

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

Deutsche Bank Trust Company Americas,	:	Case No. 1:05-cv-0559
fka Bankers Trust Company, as Trustee	:	
Plaintiff	:	District Judge Patricia A. Gaughan
	:	Magistrate Judge Baughman
vs.	:	
	:	
Michael L. Vecchio, et al	:	Parcel No.: 028-27-038
	:	
Defendants.	:	<u>ORDER CONFIRMING U.S.</u>
	:	<u>MARSHAL'S SALE, ISSUING</u>
	:	<u>DEED, AND DISTRIBUTING</u>
	:	<u>PROCEEDS</u>

This cause came to be heard on Motion of the Plaintiff, Deutsche Bank Trust Company Americas, fka Bankers Trust Company, as Trustee, for an Order confirming sale and return made by the United States Marshal thereon. The Court, on careful examination of the proceedings of the U.S. Marshal, being satisfied that the same has been in all aspects in conformity to the law and Orders of this Court, it is ordered that said proceedings and sale of the real and personal property which are the subject of this action be and are approved and confirmed.

IT FURTHER APPEARING to the Court that Plaintiff, Deutsche Bank Trust Company Americas, fka Bankers Trust Company, as Trustee, was the successful bidder at the sale held on November 21, 2005, for the sum of \$58,333.33, representing the purchase price of the real and personal property which are the subject of this action and which parcel of real property is located at 4601 West 158th Street, Cleveland, OH 44135, and is described as follows:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot Number 36-A in a Re-Subdivision of part of The Elworth-Helwick Company Lyndhurst Allotment of part of Original Rockport Township Section Number 2, as shown by the recorded plat in Volume 147 of Maps, page 28 of Cuyahoga County Records and being 52.50 feet on the Easterly side of West 158th Street, and extending back of equal width 140.50 feet, as appears by said plat.

Parcel Number: 028-27-038

IT FURTHER APPEARING to the Court that the bid made for such property was fair and reasonable and reasonably approximates the value of such real and personal property.

IT FURTHER APPEARING to the Court that the purchaser, Deutsche Bank Trust Company Americas, fka Bankers Trust Company, as Trustee, is also the holder of a certain mortgage lien against the real property which is second in priority only to the real estate taxes owed to the Cuyahoga County Treasurer. Plaintiff is entitled to the balance of proceeds of sale hereafter payment of the costs thereof. The United States Marshal is hereby directed to credit Plaintiff toward its purchase price of said real property the amount Plaintiff would otherwise be entitled to take from proceeds of sale based up on its lien interest which exceeds the entire purchase price.

IT IS THEREFORE ORDERED that the United States marshal shall convey the real property so sold by deed according to law to Plaintiff, the successful bidder at the sale, and a Writ of Possession is ordered to place the purchaser in possession of the real and personal property and the United States Marshal is hereby directed to execute on such Writ of Possession to the extent necessary.

IT IS FURTHER ORDERED that the United States Marshal convey to Deutsche Bank Trust Company Americas, fka Bankers Trust Company, as Trustee, whose address is 9350 Waxie Way, San Diego, CA 92123, a deed for the lands and tenements described herein.

IT IS FURTHER ORDERED that upon recording of a certified copy of this Entry, the Cuyahoga County Recorder shall cause the release and satisfaction of the following mortgage liens on the real property subject to this action which property is described above and incorporated herein by reference:

1. Mortgage in favor of Star Bank, N.A., 425 Walnut Street, Cincinnati, OH 45202, from Michael Vecchio and Kerri A. Vecchio, husband and wife, in the amount of \$64,928.00, dated March 20, 1998, filed April 30, 1998, recorded in Official Records Volume 98-05205, page 47, Recorder's Office, Cuyahoga County, Ohio.

2. Mortgage in favor of Decision One Mortgage Company, LLC, Ltd., 6060 J.A. Jones Drive, Suite 1000, Charlotte, North Carolina 28287, from Michael L. Vecchio and Kerri A. Vecchio, No Marital Status Shown, in the amount of \$77,500.00, dated December 28, 2001, filed January 7, 2002, recorded in Official Instrument Number 200201070250, Recorder's Office, Cuyahoga County, Ohio,

as assigned to Bankers Trust Company, as Trustee, 3 Park Plaza, Sixteenth Floor, Irvine, CA 92714, by Assignment dated January 3, 2002, filed February 10, 2003, recorded in Official Instrument Number 200302100107, Recorder's Office, Cuyahoga County, Ohio.

The United States Marshal is hereby further directed to apply the proceeds as follows:

1. To the United States Marshal's office, reimbursement of costs of the Marshal's sale and United States Marshal fees to the extent not paid by Plaintiff prior to the date hereto, in the amount of \$0.00.
2. To the Cuyahoga County Treasurer, real estate taxes, assessments, penalties and interest in the amount of \$0.00.
3. The remaining proceeds of sale shall be credited toward the purchase price of Deutsche Bank Trust Company Americas, fka Bankers Trust Company, as Trustee, representing partial satisfaction of its mortgage lien thereof, in the amount of \$58,333.33.
4. The balance of the sale proceeds, if any, shall be held by the United States Marshal to await further distribution orders by this Court.

**IT IS SO ORDERED.**

/s/ Patricia A. Gaughan

Judge Gaughan

12/6/05